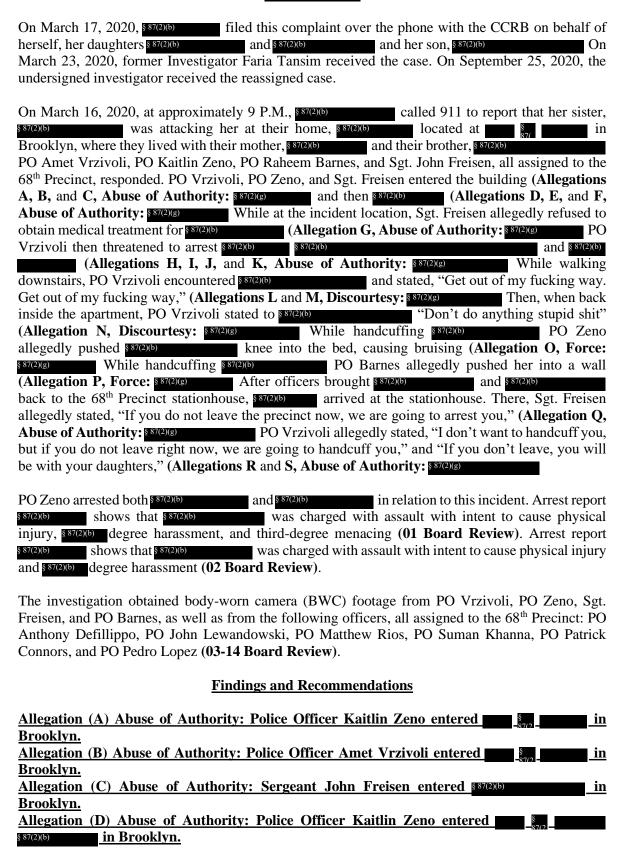
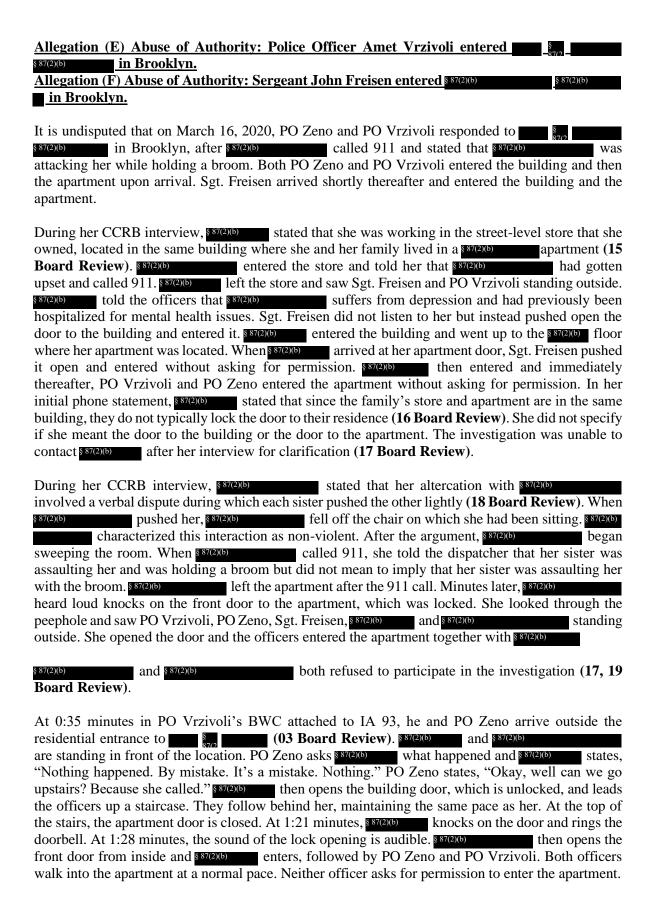
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:	Т	eam:	CCRB Case #:	✓	Force	V	Discourt.		U.S.
Rachel Adler	s	quad #03	202002167	☑	Abuse		O.L.		Injury
Incident Date(s)	L	ocation of Incident:	•		18 N	10. S0	OL	F	Precinct:
Monday, 03/16/2020 9:02 PM, Monday, 03/16/2020 10:30 PM		§ 87(2)(6) 68th Precinct stationhouse			5/3/2022			68	
Date/Time CV Reported	C	V Reported At:	How CV Reported	:	Date/Tim	e Rece	eived at CCI	RB	
Tue, 03/17/2020 4:25 AM	С	CCRB	Call Processing System		Tue, 03/1	7/2020	0 4:25 AM		
Complainant/Victim	Type	Home Addr	ess						
Witness(es)		Home Addr	ess						
Subject Officer(s)	Shield	TaxID	Command						
1. POF Kaitlin Zeno	04142	965638	068 PCT						
2. POM Amet Vrzivoli	04643	963798	068 PCT						
3. SGT John Freisen	03474	950444	068 PCT						
4. POM Raheem Barnes	24076	966954	068 PCT						
Witness Officer(s)	Shield No	Tax No	Cmd Name						
1. POM Patrick Connors	24405	965005	068 PCT						
2. POM Matthew Rios	25141	967298	068 PCT						
3. POM Anthony Defillippo	15421	963948	068 PCT						
4. POM John Lewandowski	05107	965780	068 PCT						
5. POF Suman Khanna	25658	962524	060 PCT						
6. POM Eric Sandoval	30137	967323	068 PCT						
7. POM Pedro Lopez	18366	950777	068 PCT						
Officer(s)	Allegation				Inv	estiga	tor Recon	nme	ndation
A . POF Kaitlin Zeno	Abuse: Kai	tlin Zeno entered § 870	2)(b) in Bro	okl	yn.				
B . POM Amet Vrzivoli	Abuse: Am	et Vrzivoli entered	87(2)(b) in B	rool	dyn.				
C . SGT John Freisen		geant John Freisen er Brooklyn.	ntered entered § 87(2)(6)						
D . POF Kaitlin Zeno		ice Officer Kaitlin Ze							
E . POM Amet Vrzivoli		ice Officer Amet Vrz (2)(6) in Brookl							
F . SGT John Freisen	Abuse: Ser	geant John Freisen er in Brooklyn.	ntered § 87(2)(b)						

Officer(s)	Allegation	Investigator Recommendation
G . SGT John Freisen	Abuse: At \$87(2)(b) in Brooklyn, Sergeant John Freisen did not obtain medical treatment for \$87(2)(b)	
H . POM Amet Vrzivoli	Abuse: At \$87(2)(b) in Brooklyn, Police Officer Amet Vrzivoli threatened to arrest \$87(2)(b)	
I . POM Amet Vrzivoli	Abuse: At \$87(2)(b) in Brooklyn, Police Officer Amet Vrzivoli threatened to arrest \$87(2)(b)	
J . POM Amet Vrzivoli	Abuse: At \$87(2)(b) in Brooklyn, Police Officer Amet Vrzivoli threatened to arrest \$87(2)(b)	
K . POM Amet Vrzivoli	Abuse: At \$87(2)(b) in Brooklyn, Police Officer Amet Vrzivoli threatened to arrest \$87(2)(b)	
L . POM Amet Vrzivoli	Discourtesy: At \$87(2)(b) in Brooklyn, Police Officer Amet Vrzivoli spoke discourteously to \$87(2)(b)	
M . POM Amet Vrzivoli	Discourtesy: At \$87(2)(b) in Brooklyn, Police Officer Amet Vrzivoli spoke discourteously to \$87(2)(b)	
N . POM Amet Vrzivoli	Discourtesy: At \$87(2)(b) in Brooklyn, Police Officer Amet Vrzivoli spoke discourteously to \$87(2)(b)	
O . POF Kaitlin Zeno	Force: At \$87(2)(b) in Brooklyn, Police Officer Kaitlin Zeno used physical force against \$87(2)(b)	
P . POM Raheem Barnes	Force: At § 87(2)(b) in Brooklyn, Police Officer Raheem Barnes used physical force against § 87(2)(b)	
Q . SGT John Freisen	Abuse: At the 68th Precinct stationhouse, Sergeant John Freisen threatened to arrest § 87(2)(b)	
R . POM Amet Vrzivoli	Abuse: At the 68th Precinct stationhouse, Police Officer Amet Vrzivoli threatened to arrest 887(2)(6)	
S . POM Amet Vrzivoli	Abuse: At the 68th Precinct stationhouse, Police Officer Amet Vrzivoli threatened to arrest \$\frac{887(2)(b)}{(b)}\$	

Case Summary





At 0:21 minutes in Sgt. Freisen's BWC attached to IA 102, he arrives at and follows PO Khanna, PO Rios, and PO Connors through the residential door and up the stairs (05 Board Review). Sgt. Freisen then walks past them, as well as PO Defillipo and PO Lewandowski, who are on the landing. At 0:45 minutes, PO Zeno is visible inside the apartment, holding the front door open with standing next to her. Sgt. Freisen enters the apartment without asking for permission.

PO Vrzivoli testified that when he and PO Zeno arrived, met them outside the building and told them that everything was all right (20 Board Review). PO Vrzivoli then told that they needed to speak with her daughter to make sure everything was okay since she was the one who called 911. PO Vrzivoli noted that he said this because according to the NYPD Patrol Guide, when officers are assigned to respond to an assault, they cannot leave based on what one individual says but must make sure that the callers are okay. PO Vrzivoli then asked for they could go upstairs and check on strong opened the street-level door and led the officers upstairs to the apartment door. She then led them into the apartment. Since strong did not say that the officers could not enter, PO Vrzivoli believed that she had given consent for the entry. PO Vrzivoli did not recall if he had explained to strong that she had a right to refuse the entry.

In her CCRB testimony, PO Zeno stated that when she and PO Vrzivoli arrived, \$57(2)00 met them outside and told them that nothing had happened (21 Board Review). PO Zeno told \$57(2)00 that she still needed to speak with \$57(2)00 she did not recall what \$57(2)00 said in response. \$57(2)00 she did not recall what \$57(2)00 said in response. \$57(2)00 she did not recall what \$57(2)00 said in response. \$57(2)00 she did not recall what \$57(2)00 she did not recall if \$57(2)00 she did not recall what \$57(2)00 she did not recall if \$57(2)00 she did not recall what \$57(2)00 she did not

Sgt. Freisen testified that when he arrived, he entered the building due to the exigent circumstances involving someone calling 911 and saying they had been assaulted (22 Board Review). He therefore entered the building and apartment to make sure that the person was okay. When he entered the apartment, PO Vrzivoli and PO Zeno were already inside speaking with

In the 911 call recording for NYPD Event #\$\$(0)\$ generated for this incident, attached to IA 184, \$\$(0)\$ tells the operator that she needs the police because her sister is hitting her (23 Board Review). When the operator asks her if there are any weapons, \$\$(0)\$ states, "She has a broom in her hand." She then states that she has injuries all over her body. In the radio message for the same Event, also attached to IA 184, the operator calls for officers to respond to the location for a 10-34, an assault in progress involving a family, adding that the caller stated that her sister was hitting her with a broom and that she is injured.

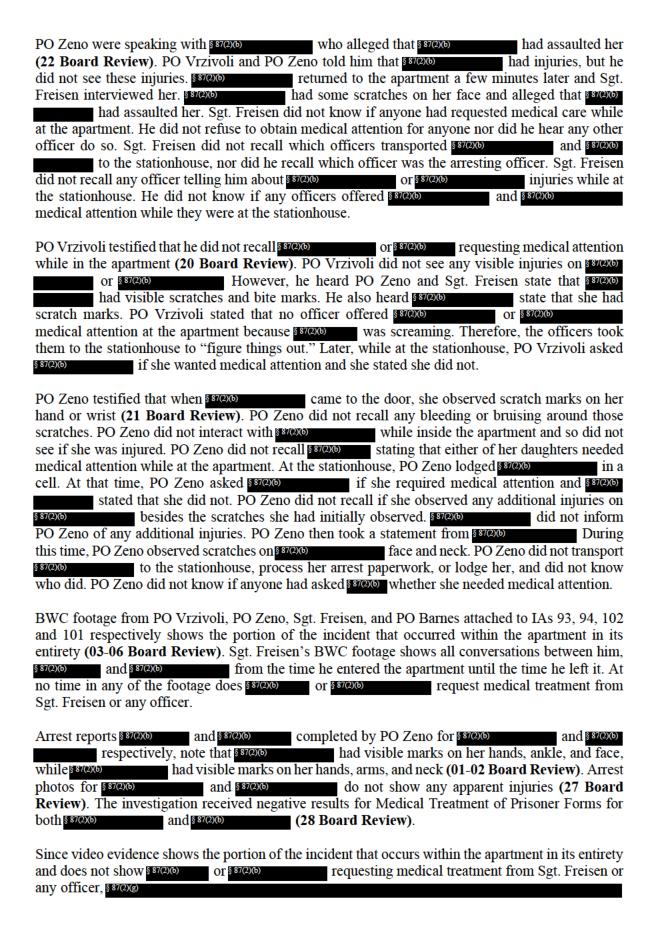
A Clear database search for in Brooklyn shows that there are two apartments located inside the building (24 Board Review).

In *United States v. Bartee*, 2013 U.S. Dist LEXIS 166366, the court ruled that officers were permitted to enter a multi-tenant building without a warrant because "the common halls and lobbies of multi-tenant buildings are not within an individual's zone of privacy' [...] even when they are guarded by locked doors or otherwise inaccessible to the public at large" (25 Board Review).

People v. Desmarat, 38 AD3d 913 ruled that officers may conduct a warrantless entry of a premises if they have "reasonable basis to believe that an emergency [is] at hand, that other persons may [be] at risk of injury, and that the emergency is associated" with the place they are entering (26 Board Review).

It is notable that BWC footage shows the entry was not as \$\frac{87(2)(6)}{2}\$ described. Rather than pushing their way into the building or apartment, PO Zeno and PO Vrzivoli stayed behind \$\frac{87(2)(6)}{2}\$ as a select them through the building's door and up the stairwell. In addition, PO Zeno asked for permission to enter the building. Sgt. Freisen did not arrive until later, when PO Zeno and PO Vrzivoli we already inside the apartment. The officers cited exigent circumstances as the reason they entered be the building and the apartment without receiving consent from \$\frac{87(2)(6)}{2}\$ or \$\frac{87(2)(6)}{2}\$ Ev though PO Zeno asked for permission to enter the building, she testified that due to the exige circumstances, she would have entered even if \$\frac{87(2)(6)}{2}\$ said she could not do so. \$\frac{87(2)(6)}{2}\$ they learned of the incident from a radio call that informed them the caller was injured and her sister was hitting her with a broom \$\frac{87(2)(6)}{2}\$.
It is notable the according to \$87(2)(b) the front door was generally left unlocked. Although she did not specify her statement whether she meant the building or apartment door, the preponderance of eviden indicates that she meant the former: BWC footage shows the building door was unlocked, t unlocking of the apartment door is audible on BWC, and \$87(2)(b) testified that the apartment door was locked.
§ 87(2)(g)
Allegation (G) At significant property in Brooklyn, Sergeant John Freisen did nobtain medical treatment for \$87(2)(b)
It is undisputed that when PO Vrzivoli and PO Zeno entered the apartment, \$87(2)(6) alleg that \$87(2)(6) had physically attacked her. \$87(2)(6) was not in the apartment at time. When \$87(2)(6) arrived several minutes later, she spoke with Sgt. Freisen and alleg that \$87(2)(6) had physically attacked her.
During her CCRB interview, stated that when Sgt. Freisen arrived at her apartment, stated him that she wanted an ambulance for stated that someone had hit someone else. He did not can ambulance. Then stated that she wanted an ambulance. Sgt. Freisen that neither she nor her sister wanted to precharges but that she wanted an ambulance. Sgt. Freisen still did not call an ambulance for stated but rather officers transported her to the stationhouse to be arrested.
During her CCRB interview, \$87(2)(b) did not allege that either she or her mother request an ambulance or other medical treatment at any time during the incident (18 Board Review).

In his CCRB testimony, Sgt. Freisen stated that when he arrived at the apartment, PO Vrzivoli and



not want to make a report and had refused to provide statements or fill out the paperwork. Then, PO Vrzivoli's supervisors would ask him why he had not filed any paperwork. PO Vrzivoli also made

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he had responded to the apartment previously for \$87(2)(b)

this statement because he wanted to communicate to §87(2)(b)

■ 911 calls, she had stated that she did

that calling 911 is not a game;

he therefore told her that if the family called again and did not want to file a report, they would all be under arrest. PO Vrzivoli noted that English is not his first language so he may not have communicated the point very well. Additionally, he stated that was already considered under arrest at that point due to the allegations that

Sgt. Freisen testified that he did not recall PO Vrzivoli threatening to arrest members of the family while at the apartment (22 Board Review). After watching PO Vrzivoli's BWC attached to IA 93 from the 4:03 to the 4:36 minute mark, Sgt. Freisen stated that there was no reason that PO Vrzivoli should have threatened to arrest the whole family at that point. Sgt. Freisen also stated that at this point in the incident, [87(2)6) was already considered under arrest due to [87(2)6) that she had assaulted her.

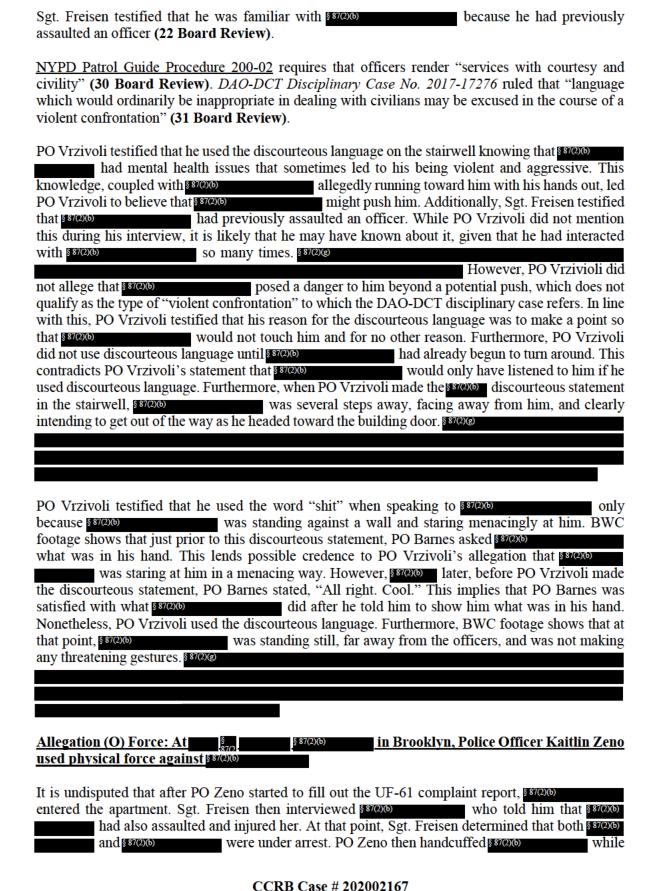
New York State Penal Law 240.50 states that a person is "guilty of falsely reporting an incident in the third degree when, knowing the information reported, conveyed or circulated to be false or baseless, he or she [...] gratuitously reports to a law enforcement officer or agency [...] the alleged occurrence of an offense or incident which did not in fact occur" (29 Board Review).

PO Vrzivoli testified that he made this threat of	f arrest against the family to warn §87(2)(6)
that she should not make unnecessary 911 calls.	He stated that he issued this warning for two reasons.
First, \$87(2)(b) had called 911 but did n	ot want to file a police report. S87(2)(6) when he had
previously responded to the apartment multiple	le times regarding issues between \$87(2)(6) and
§ 87(2)(b) never wante	d to file a report. According to Penal Law 240.50.
officers can arrest people regarding "false or bas	seless" reports made to law enforcement agencies. It
	were false or baseless. It is clear, however, that
911call was not. This is because bo	oth PO Vrzivoli and Sgt. Freisen testified that \$87(2)(6)
was already considered under arrest l	before PO Vrzivoli made the threat. Further, even it
prior allegedly baseless 911 ca	lls were considered an arrestable offense, §87(2)(6)
could not have been held responsible	for that. Additionally, although \$87(2)(6) was
already considered to be under arrest at that po	int, PO Vrzivoli's threat was regarding "next time"
and so was not in relation to her arrest status a	nt the time. §87(2)(b) had also not made a false of
baseless 911 call on this date so there was no re	eason to threaten her. Finally, although PO Vrzivoli
initially testified that he had made this threat to	because she was interfering, BWC footage
reveals that she was not doing so at this time. §870	2)(g)
Allegation (L) At	in Brooklyn, Police Officer Amet Vrzivol
spoke discourteously to \$87(2)(6)	
Allegation (M) At \$ \$87(2)(6)	in Brooklyn, Police Officer Amet Vrzivoli
spoke discourteously to \$87(2)(6)	
Allegation (N) At \$87(2)(6)	in Brooklyn, Police Officer Amet Vrzivol
spoke discourteously to \$87(2)(b)	

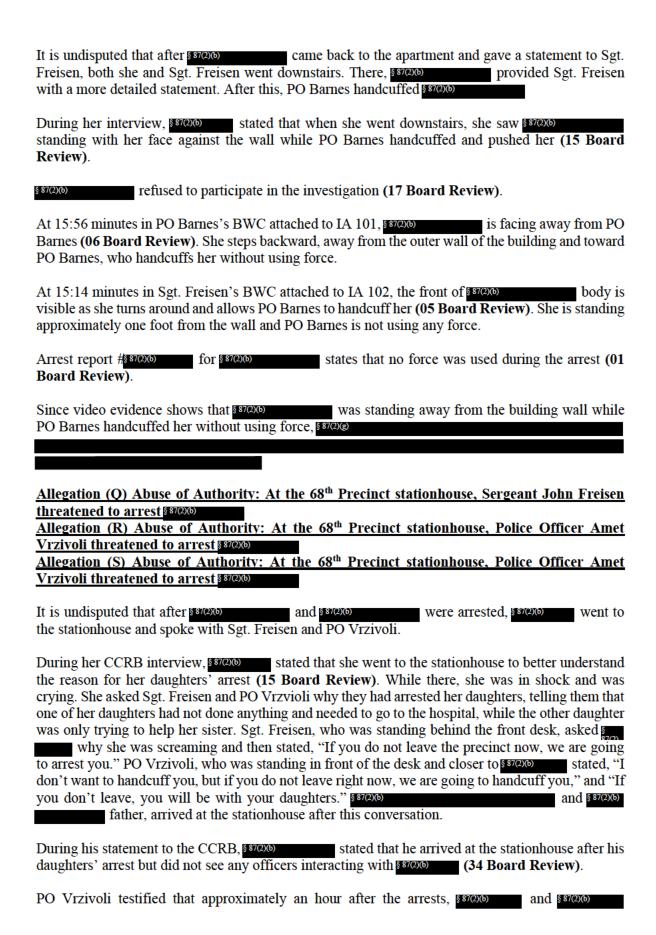
These allegations are being pleaded based on BWC footage and were not alleged by either civilian.

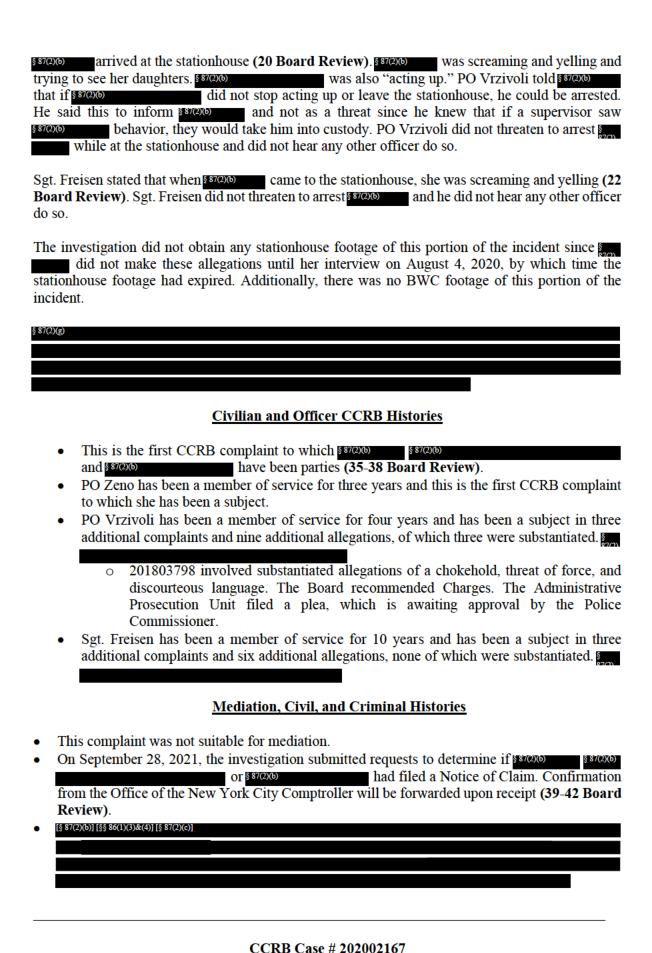
It is undisputed that after same stated she did not want to make a report, Sgt. Freisen told PO Vrzivoli to write up a report for a level 2 assault with as the victim. PO Vrzivoli then left the apartment and went to his vehicle to get paperwork. On his way, PO Vrzivoli encountered at the bottom of the staircase, at which time PO Vrzivoli spoke discourteously to same Further undisputed is that after PO Vrzivoli retrieved the paperwork, PO

Vrzivoli went back up to the apartment. There, he handed the papers to PO Zeno, who stayed with and filled out a UF-61 complaint form. PO Vrzivoli then walked to the other end of the hallway, where Sgt. Freisen and PO Barnes were standing. While PO Vrzivoli stood there, reentered the apartment. At the 6:01 minute mark in PO Vrzivoli's BWC attached to IA 93, PO Vrzivoli is walking down the staircase on his way to his vehicle (03 Board Review). As PO Vrzivoli approaches the bottom of the states, "No, no, no, no, come on, come on." PO Vrzivoli continues down toward the bottom of the stairs and states, "Hey, hey, hey, get out of my way." At 6:04 minutes, face is visible inches from PO Vrzivoli as §87(2)(6) "Come on, come on." Only § 87(2)(b) face is visible; the rest of his body is off camera as he stands on a lower step than the officer. PO Vrzivoli then states, "Get out of my way." As turns around, PO Vrzivoli states, "Get out of my fucking way." At 6:07 minutes, \$ 87(2)(6) is already several steps ahead of PO Vrzivoli, facing away from him and about to open the outside door, when PO Vrzivoli again states, "Get out of my fucking way." At the 7:20 minute mark in Sgt. Freisen's BWC attached to IA 102, both PO Vrzivoli and stand inside the apartment, in the hallway (05 Board Review). PO Vrzivoli stands to Sgt. stands to Sgt. Freisen's right. § \$7000 is leaning against Freisen's left and § 87(2)(6) a wall at the end of the hallway, with his arms folded against his chest. The camera pans away and is no longer visible. PO Vrzivoli states, "You all right? Okay." PO Barnes states, "Let's see your hand, bud. All right. Cool." PO Vrzivoli then states, "Don't do anything stupid shit. All right?" The camera turns and \$87(2)(6) is again visible. He is still standing at the end of the hallway, far out of reach of the officers. He is clasping his hands together at the front of his body and is otherwise standing still. During his CCRB interview, PO Vrzivoli stated that, prior to arriving on scene, he knew \$5000 to be a neighborhood "troublemaker" who went into stores and cursed at people, harassing them, and causing them annoyance and alarm (20 Board Review). PO Vrzivoli had previously responded to the apartment six or seven times; each of these times \(\frac{88000}{2000} \) had called because refused to take his medication and she wanted officers to bring him to the hospital. From these incidents, PO Vrzivoli knew that \$87(2)(6) had been diagnosed with a psychological "problem," although he did not know what the actual diagnosis was. He also knew had trouble sleeping and that when he was off his medication, he became violent and aggressive. PO Vrzivoli stated that §87(2)(6) had been sent to the hospital twice and had escaped once. As PO Vrzivoli walked downstairs, he saw \$87(2)(6) running toward him with his arms and hands extended. Since PO Vrzivoli was familiar with he believed that if he said something like, "Listen, okay, okay," \$87(2)(0) would have put his hands on him or pushed him, which would ultimately lead to his arrest. Since PO Vrzivoli did not want to have to arrest § 87(2)(b) he used his discretion to say, "Get the fuck out of my way," to make a point so that \$87(2)(b) would not touch him. did not touch PO Vrzivoli, only put his hands out in front of himself. PO Vrzivoli stated there was no other reason for the language that he used. PO Vrzivoli did not recall using any additional discourteous language. After watching his BWC attached to IA 93 from the 5:56 minute to the 6:08 minute mark, PO Vrzivoli acknowledged that he said, "Get out of my fucking way," a § 87(2)(b) time when § 87(2)(b) had already moved out of his way. PO Vrzivoli stated that he made this statement because he wanted to make a point that \$87(2)(6) should not turn back around or do anything stupid. After watching his BWC attached to IA 93 from the 9:21 minute to the 9:34 minute mark, PO Vrzivoli acknowledged using the word "shit" while He stated that he said this because §87(2)(b) standing against the wall and staring at PO Vrzivoli in a menacing way and for no other reason.



standing in §87(2)(b) bedroom.
During her interview with the CCRB, stated that while PO Zeno was handcuffing her, PO Zeno used her knee to push the back of stated that while PO Zeno was handcuffing knee into the bedframe, which caused bruising to stated that while PO Zeno was handcuffing knee into the bedframe, which caused bruising to stated that while PO Zeno was handcuffing knee into the bedframe, which
During her CCRB interview, \$370,00 stated that she saw PO Zeno make \$370,00 face the edge of her bed (15 Board Review). She then saw that PO Zeno had pushed \$370,00 up against the bed, after which PO Zeno pushed \$370,00 knee into the bedframe. \$370,00 Hospital in Brooklyn to assess injuries caused by PO Zeno's push. Doctors prescribed Motrin and an antibiotic cream to \$370,00 with anything during this visit. The investigation was unable to contact \$370,00 after her interview for clarification (17 Board Review).
On August 31, 2020, the investigation received eight undated photos from the family's civil attorney that show bruises on street knee (32 Board Review). Street did not supply the investigation with a HIPAA form and so the investigation was unable to access her medical records.
PO Zeno testified that she did not use force against knee into the bedframe (21 Board Review). She stated that during the handcuffing process, were not oriented in such a way that she could have pushed her into the bed. Instead, solutions the door; the bed was behind PO Zeno at the time. After viewing the photos of sustained the injury and that she did not recall seeing or being made aware of the injury on the incident date. She stated that street. Was was wearing pants during the incident and had never advised her of an injury to her knee.
Both PO Vrzivoli and Sgt. Freisen testified that they did not recall seeing PO Zeno use force against (20, 22 Board Review).
At 14:44 minutes in PO Zeno's BWC attached to IA 94, PO Zeno handcuffs without using force (04 Board Review). Serow is standing upright, facing toward the door and away from the bed, which is behind PO Zeno.
The investigation received negative results for the Threat, Resistance, and Injury reports and Medical Treatment of Prisoner Reports for this case (33 Board Review). Arrest report #\$\$\frac{1}{2}\$\$\frac{1}{2}\$\$\text{(02 Board Review)}\$.
Since video evidence shows that was standing upright and between the door and PO Zeno during the handcuffing process rather than against her bed and does not depict PO Zeno using force against \$87(2)(6)
Allegation (P) Force: At in Brooklyn, Police Officer Raheem Barnes used physical force against \$37(2)(5)





Squad:	_3		
Investigator:	Rachel Adler Signature	Investigator Rachel Adler Print Title & Name	10/4/2021 Date
Squad Leader:	Olga Golub Signature	IM Olga Golub Print Title & Name	10/05/2021 Date
Reviewer:	Signature	Print Title & Name	Date